

**REMARKS**

The Amendments herein are in an attempt to expedite the instant prosecution and in response to the Examiner's remarks in the First Office Action. Claims 3 and 6 have been cancelled. Composition Claim 1 has been amended to include cancelled Claim 6 to recite the preferred range of alpha cyanoacrylate to be used in the applied adhesive. Claims 2, 4 and 7 have been amended to correct typographical errors and correct claim dependency.

Applicant satisfactorily acknowledges the allowability of Claim 6 and has made amendment to include cancelled Claim 6 in Claim 1 as recommended by the Examiner. Claim 1 and the remaining claims have been additionally amended to correct obvious typographical and grammatical errors.

Claims 1,2,4,5,7and 8 remain in the Application.

**I BENEFIT OF FILING DATE/ 35USC120**

In the Office Action, the Examiner states that Applicant has not sought benefit of the earlier filed application for this Divisional Application. However, Applicant did file this application under 37 CFR 1.53(b) claiming priority and requesting that the claim of priority be made as the first sentence of the specification by way of amendment to the specification. Enclosed find a copy of Applicant's filing paper with the claim of priority outlined (and highlighted in the copy) on page 2. Moreover, in those same filing papers, Applicant cancelled Claims 9-20 (the originally prosecuted Claims of the issued parent patent 6,660,327).

Additionally the Examiner's attention is brought to the Filing Receipt which indicates

SERIAL NO.: 10/693,086

ATTY DOCKET: MAT4690-1

Applicant's Divisional Claim of Priority to parent application 10/034,416 and the issued Patent 6,660,327, all based on the Filing Papers referred to above. Since the priority language initially filed does not reference the issued Patent, Applicant requests that the Examiner reference same by Examiner's Amendment when this instantly addressed issue is resolved.

**II) ELECTION/RESTRICTION:**

In the Office Action, the Examiner confirms an earlier telephoned two way restriction requirement and the election of Claims 1-8, directed to an adhesive composition, by the undersigned attorney for Applicant who hereby affirms that telephone election of composition claims 1-8 for prosecution. However, unappreciated by both the Examiner and the undersigned attorney at the time of the telephone call is the fact that Claims 9-20 had been cancelled and therefore Claims 1-8 were the only Claims in the application. Accordingly, the restriction and election were moot. See again a copy of the filing papers, calling for cancellation of Claims 9-20.

**III) Objection to Claims 1 and 2:**

The Examiner's objections to Claims 1 and 2 have been remedied by amendment of the Claims per the explicit suggestions of the Examiner.

**IV) 35 USC 102 and 103 Rejections:**

All of the instant composition claims stand rejected under 35USC102 and or 35USC 103 as being anticipated by, or obvious over, the Araki et al. ('249) patent in Items 9-12 of the Office Action. The Araki patent teaches an adhesive comprised of an alpha cyanoacrylate, a

styrene butadiene elastomer, and a polyisocyanate, these adhesives being applied to natural human skin and synthetic resins. While Applicant notes that the three component alpha cyanoacrylate adhesive of Araki additionally contains polyisocyanate as a central third component, neither available nor desired in the instant adhesive composition, the issue is moot inasmuch as the Examiner indicated the allowability of Claim 6 which is now part of all present Claims. For this reason, the prior rejections of all the Claims over Araki et al. are overcome with compliance to the suggestions of the Examiner as to allowable subject matter in cancelled Claim 6.

In items 14 and 15, all of the instant composition claims stand rejected under 35USC102 and or 35USC 103 as being anticipated by, or obvious over, the Hiraiwa et al. U.S. Patent 4,980,086. The Hiraiwa et al. patent teaches an adhesive containing a number of alpha cyanoacrylates but, among other differences from the instant composition, the reference per the admission of the Examiner fails to disclose an adhesive having from about 2 to 10 weight % of the alpha cyanoacrylate of all the instant claims. Accordingly, the rejections of the instant Claim over the Hiraiwa et al. are considered overcome and moot.

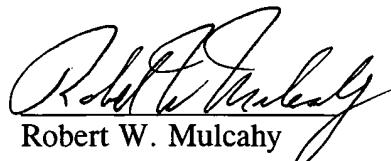
In sum, Applicant submits that the application of either cited reference as applied to the instant coating composition invention and its applications; that is, there is neither appreciation of, nor any incentive or motivation for, the subject invention indicated in either piece of cited prior art to achieve or anticipate the instant composition with its attendant and cited benefits.

## **V) CONCLUSION:**

In conclusion, Applicant submits that for the reasons given, the prior art is inadequate in anticipating or rendering obvious the present coating process. Accordingly, Applicant

through its undersigned attorney respectfully urges allowance of the claims and passage of the application to issue.

Respectfully Submitted,



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U.S. Express Mail No.EJ758277851US  
Attorney Docket No. MAT4690-1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**DIVISIONAL APPLICATION UNDER 37 CFR 1.53(b)**

Hon. Commissioner of Patents and Trademarks  
Box PATENT APPLICATION  
P.O. BOX 2327  
Arlington, VA. 22202-0327  
Sir:

This is a request for filing a

- [ ] Continuation-in-Part  
[ ] Continuation  
[X] Divisional Application

under 37 CFR 1.53(b) of pending prior application Serial No. 10/034,416, filed on December 28, 2001 directed to an invention entitled **A CYANOACRYLATE ADHESIVE COMPOSITION FOR TOY ARTICLES** by the following named inventor:

Inventor (Full Name): Abimael Cordova

Residence: Whittier, California.

Citizenship: U.S.A.

Post Office Address: 10656 Sunnybrook Lane, Whittier, California 90604

**CERTIFICATE OF MAILING (37 CFR 1.10)+**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as U.S. EXPRESS MAIL (Certificate No.EJ758277851US) in an envelope addressed to the: Commissioner of Patents and Trademarks, MAIL STOP Patent Application, P.O. Box 1450, Alexandria, VA. 22313-1450.

Date: 10/24/03

Signature:

Robert W. Mulcahy

[X] The application papers filed herewith are a true copy of the last inventor-signed prior application, and the signed oath or declaration as originally filed, and a copy of the original assignment to Mattel, Inc and the Recordal Documents.

EJ758277851US

- Enter paper(s):
- A Preliminary Amendment is enclosed.
- No pages of Formal Drawings are enclosed.
- The filing fee is calculated on the basis of the claims existing in the prior application, and those cancelled herewith below.

Cancel Claims 9-20.

CLAIMS AS FILED

|                           | Number<br><u>Filed</u> |        | Number<br><u>Extra</u> | <u>Rate</u> | <u>Fee</u>      |
|---------------------------|------------------------|--------|------------------------|-------------|-----------------|
| Basic Fee                 |                        |        |                        |             | \$740.00        |
| Total Claims              | 8                      | - 20 = | X                      | \$18.00     | 00.00           |
| Independent Claims        | 1                      | - 3 =  | X                      | \$86.00     | 00.00           |
| Multiple Dependent Claims | 0                      | - 0 =  | X                      | \$295.00    | <u>00.00</u>    |
| TOTAL FILING FEE          |                        |        |                        |             | \$770.00        |
| TOTAL FEES                |                        |        |                        |             | <u>\$770.00</u> |

- Check No. 1639 in the amount of \$770.00 is enclosed.
- Please charge Deposit Account No. of in the amount of . The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. XXXX. This letter is submitted in duplicate for accounting purposes.

Amend the specification by inserting before the first line the sentence:  
This application is a  Continuation-in-Part,  Continuation,  Divisional Application of prior U.S. Application Serial No. 10/034,416 filed on December 28, 2001.

- Priority of foreign application \_\_\_\_\_ filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 U.S.C. § 119.

The power of attorney in the pending prior U.S. application is to:

| <u>Name</u>        | <u>Regist. No.</u> |
|--------------------|--------------------|
| Robert W. Mulcahy  | 25,436             |
| Daniel F. Sullivan | 31,572             |

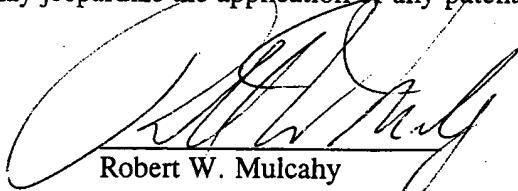
Also enclosed are:

[x] The Form-1449 filed with the parent application, without copies of the listed citations, in compliance with 37 CFR 1.97 and 37 CFR 1.98(d). Also enclosed is the Examiner's Notice of References Cited, without copies of the listed citations from the prosecution of the parent application.

[x] Address all future correspondence to: Robert W. Mulcahy  
520 Sequoia Drive  
Sunnyvale, California 94086

[x] I, as the undersigned attorney, hereby verify that the attached papers are a true copy of the latest inventor signed prior application 10/034,416, having a filing date of August 2, 2001.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the application or any patent issuing thereon.



10/24/03

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 Attorney or agent under 37 CFR 1.34(a)